

NOTE: These minutes do not constitute a verbatim transcription of the CPC meeting.

**CITY PLANNING COMMISSION
REGULAR MEETING
January 20, 2005**

APPROVED

Call to Order: The meeting was called to order by Chairperson Arthur Simons in the Committee of the Whole Room, 13th Floor of the Coleman A. Young Municipal Center, at 4:50 PM.

Roll Call: Present at the meeting were Commissioners Cason, Christensen, Glaser, Glenn, Jeffrey, Simons, and Wendler. Absent were Commissioners Smith (excused) and Williams.

Agenda: The Agenda was amended to delete Item IV-A.--Housing Strategy. Discussion on the Strategy would be scheduled at a future CPC meeting.

Minutes: **ACTION:** Commissioner Cason moved to approve the minutes of Regular Meeting of January 6, 2005.
Commission Christensen seconded the motion.
Motion carried.

PUBLIC HEARING--
Request of Eye on Detroit to rezone area of Lenore, Frisbee, Telegraph and Seven Mile from R1 to PD; amend approved PD:

A public hearing was held on the request of Eye on Detroit to modify the approved plans for an existing PD (Planned Development District) zoning classification and to rezone an R1 (Single-Family Residential District) zoning classification to a PD zoning classification in the area generally located on the west side of Telegraph Road between Pembroke Avenue and West Seven Mile Road to allow for the construction of a retail shopping center.

CPC staff member Christopher Gulock reviewed the background information and described the development.

On November 22, 2004, City Council approved the petitioner's request to rezone 24.6 acres of land in the general area of Frisbee Ave., Telegraph Rd., and east/west line approximately 780 feet north of W. Seven Mile Rd., and Lenore Ave. with the exception of the south side of Frisbee Ave. from Woodbine to Lenore Avenues from R1 to PD to allow for the construction of a retail complex containing two stand-alone big-box stores, including a Home Depot, and three outlots--a Flagstar Bank, a Fifth Third Bank, and a Starbucks with a drive-through. The site currently contains 81 houses that would be moved or demolished for the project.

Eye on Detroit is now petitioning to modify the approved plans for the 24.6-acre PD parcel and to rezone an additional 5.3 acres directly north from R1 to PD. The new 5.3-acre area includes the north and south sides of Frisbee Avenue between Woodbine and Lenore Avenues. The petitioner is making the two requests in order to create a larger retail complex

by connecting the two big-box stores with four mid-size retailers. The Flagstar Bank outlot is proposed to be replaced with a 15,300 square foot building which could include a sit-down restaurant and/or some smaller retail stores. Other changes include placing the two detention ponds at the southwest corner of the site underneath the parking lot area; providing a 1,412 space parking lot rather than the initial 1,159 spaces; adding a 1,000 square foot police mini-station next to the Home Depot; providing a 40 rather than 30 foot setback along Lenore Avenue from the perimeter screen wall to the curb-line on the east side of Lenore; and closing the connection between Woodbine Avenue and the parking lot at the south end of the project as requested by City Council.

Eye on Detroit has purchase agreements with all 18 homeowners on the north and south sides of Frisbee between Lenore and Woodbine Avenues. The houses are to be moved or demolished. That portion of Frisbee would be vacated within the site. To date the petitioner has not been able to purchase the house at the northwest corner of Telegraph Road and Frisbee, which is not part of the proposed project or rezoning.

The developer is requesting approval of the modified site plan and approval of the elevations for The Home Depot and Fifth Third Bank which have not changed. Approval of the final elevations for the second big box, Starbucks, and restaurant/retail outlot would need to be approved at a later date.

Mr. Gulock reviewed feedback from the neighborhood on the initial rezoning request including support from several homeowners whose homes would be purchased for the project and opposition from the Concerned Residents of Lenore-West, Frisbee Street Residents (representing households on the south side of Frisbee), and Residents of Telegraph Road. At one of the previous hearings, the Frisbee Street Residents asked to have their homes purchased and rezoned as part of the project, and the developer has since worked to purchase the homes on both the north and south sides of Frisbee. During the previous review, the leaders of the Concerned Residents of Lenore-West and Residents of Telegraph Road submitted letters opposing the rezoning, but added that if the project was approved, a list of 18 items should be addressed. Of the 18 items, the developer agreed to 12, noting that the remainder were beyond its control or unreasonable. The developer would not agree to provide financial compensation to homeowners for the amount of property value they feel they will lose as a result of the project.

On November 18, 2004, the petitioner submitted a letter to City Council signed by the developer and Jacqueline Moore, serving as the spokesperson for Residents of Lenore West, stating that on November 17, 2004, the developer, Ms. Moore, and a core group of the West Lenore residents met and reached an agreement to support the project. The agreement was memorialized in writing with the specific terms kept confidential. CPC staff understands the agreement was only offered to owners (not renters) of the 25 houses on the west side of Lenore directly across from the project.

Mr. Gulock reviewed traffic and pedestrian circulation concerns.

Frisbee Avenue is proposed to be closed from Telegraph Road to the eastern curb of Lenore Avenue. When the project was initially proposed, several residents of Lenore voiced

support for installing a cul-de-sac at the intersection of Telegraph and Frisbee to reduce cut-through traffic.

As part of the initial PD approval, one of the conditions required that access to the parking lot be limited from Telegraph only and not Woodbine. CPC staff was hoping that Woodbine Avenue south of the project would be routed onto Telegraph Road; however, it appears creating a new Woodbine curb-cut onto Telegraph Road would place it too close to the proposed southern driveway onto Telegraph for the proposed complex. As a result, the developer is proposing a cul-de-sac on Woodbine just south of the project. However, CPC expressed concern that this cul-de-sac might not be the best option, because Woodbine is used by delivery trucks to access the shopping plaza at the corner of Telegraph and West Seven Mile Road.

A pedestrian bridge is located over Telegraph Road just north of Frisbee Avenue. Persons heading west on the bridge would no longer be able to access the adjacent residential neighborhood by using Frisbee. The most likely alternative would be to use Pembroke which is located immediately north of the bridge.

Mr. Gulock noted that the proposed 1,412 parking spaces are much lower than what the existing Zoning Ordinance would have required if the land were not zoned PD, but very close to what would be required under the proposed revised Zoning Ordinance.

The current Detroit Zoning Ordinance does not have any requirements for stacking spaces for drive-through restaurants or banks. However, the proposed revised Zoning Ordinance would require a minimum of 4 stacking spaces per bank teller lane, 3 spaces for ATM machines, 6 spaces for drive-through restaurant order boxes, and 4 spaces for drive-through restaurants from the order box to the pick-up window. For the proposed Fifth Third Bank, 3 spaces are provided for each of the 3 tellers and 3 spaces are provided for the ATM. For the Starbucks Coffee, 4 spaces are provided from the order box to the pick-up window, but only 2 spaces are provided for the order box.

The CPC office received a call from a resident on the south side of Pembroke just north of the proposed project asking how it would be screened at the rear of the houses on the south side of Pembroke. CPC staff encouraged the resident to talk with neighbors to reach consensus about the screening. The resident called back and said the initial opinion is that a high brick wall should be built on the northern edge of the project; that the brick wall be set back a distance from the rear property line; and that grass and no other landscaping be provided between the wall and the rear property line.

CPC staff received calls from two persons owning houses on the west side of Lenore, stating that they did not agree with the settlement that Ms. Moore reached with the developer, and that they wanted to be compensated for amount of property value lost because of the proposed project. In response, Ms. Moore submitted a letter dated January 10, 2005, a copy of which was included in the CPC packets. A copy of a letter from NOW in support of the proposal was included in the CPC table packets.

As to the pedestrian bridge over Telegraph Rd., Commissioner Glenn requested clarification about the distance to Pembroke since persons heading west on the bridge no longer be able to access the adjacent residential neighborhood by using Frisbee. Mr. Gulock noted that the walkway is approximately halfway between Frisbee and Pembroke.

Commissioner Jeffrey requested clarification on the concerns expressed by the persons owning houses on Lenore during review of the original rezoning proposal. Mr. Gulock reviewed the concerns and the developer's commitment in addressing them. The main outstanding concern of some of the residents was their desire to be compensated for the amount of property value lost because of the proposed project.

Discussion ensued on the number of conditions that have been met by the developer in the original proposal and clarification on the status of addressing the residents' concerns. Commissioners had thought that the concerns of the residents had been addressed prior to City Council taking action on the original rezoning in November 2004.

Mr. Gulock reviewed the history and chronology of events since the Commission voted to recommend approval of the original rezoning July 29, 2004. These included comments at the City Council public hearing that the City could not force the developer to purchase residents' homes to accommodate the retail complex.

Commissioner Jeffrey inquired as to the number of houses that have been relocated.

In response to Commissioner Jeffrey, Mr. Gulock reviewed the dimensions and location of the proposed brick wall and landscaped green space.

Commissioner Jeffrey felt that, at some point, the development needed to move forward. At the time of the original rezoning request residents on Frisbee raised concern that they should be bought out to accommodate the development. The developer agreed to purchase their homes and, as a result, the developer has since modified the plans. Now, residents on Lenore are requesting to be bought out. This could go on and on. At some point, one needs to say "stop."

In response to Commissioner Cason, Mr. Gulock noted that the developer sent letters to the 25 homeowners on Lenore outlining the agreement. The letters indicated that the homeowners could respond to the offer within a certain time frame.

Discussion ensued on whether the two residents opposed to the agreement were present at the time the agreement was made. As best as possible, Mr. Gulock noted the attendance records of Karlton Willis, 19411 Lenore, and Charlene Sparks, 19385 Lenore, at the CPC and City Council public hearings.

Commissioner Glenn noted that he would not vote in support of any proposal that was predicated upon "secret" agreements between the developer and the community representative.

Bruce Evans of the Planning & Development Department (P&DD) noted that the proposed commercial development on the additional 5.4 acres of land is not consistent with the Master Plan of Policies. For the initial PD rezoning, the Master Plan was amended to specify a future land use of General Commercial to accommodate the development. P&DD indicated that it would be submitting an appropriate amendment in the near future.

Steve Schafer of Eye on Detroit emphasized that there weren't any "secret" agreements. Eye on Detroit has worked very hard with the residents to address their concerns. Four forums/public meetings were held in the community to address concerns.

In response to Commissioner Jeffrey, Mr. Gulock did not know the number of homeowners on Lenore St.

Mr. Schafer cited the concerns addressed in the agreement, including air quality, health, demolition, and landscaping issues. Eye on Detroit was reluctant to provide compensation to individual homesowners on Lenore since the developer felt that property values would not be impacted. Instead, the developer agreed to provide for public improvements, e.g., providing trees of a certain size. Thirty-one letters were sent via certified mail to everyone on W. Lenore. Some of the letters were not picked up by the addressees. The letters outlined the particulars of the agreement.

Mr. Schafer reviewed the modified plans for the development, including providing additional retail, turning Frisbee into a cul-de-sac, relocating the wall, and providing improved greenspace and additional landscaping.

Mr. Schafer noted that Eye on Detroit has always been willing to meet with the community to address their concerns. Eye on Detroit will continue to communicate with the neighborhood regarding staging, demolition, etc., and will maintain an open door policy to address future concerns.

Commissioner Jeffrey inquired as to whether the developer would provide a pedestrian walkway through the development. Mr. Schafer noted the location where he is willing to place a sidewalk. He also cited continuous attempts to acquire a vacant lot to turn into a greenspace. As to the school, he noted that the children will be able to walk on Pembroke to the school.

The following persons spoke at the public hearing.

Charlene Sparks, 19385 Lenore, expressed opposition citing quality of life issues. Ms. Sparks expressed opposition to looking at and living in front of a brick wall. She noted that she had expressed opposition during review of the original rezoning request. All of the residents on W. Lenore did not agree with the plan and had no knowledge of what was agreed to between the developer and the community representative. Misleading information has been presented to the Commission, City Council and the residents. Ms. Sparks felt that the neighbors have not been given a "fair shake." She noted that she did receive a notice in June 2004, but expressed her concerns to the representative of Lenore West. In response to Commissioner Jeffrey as to whether the community was made aware of the offer as cited in

the November 16, 2004 correspondence from Ms. Moore, Ms. Sparks responded that she had attended the public meeting with the City Council and several community meetings.

Tom Bulger, 19425 Lenore, expressed opposition citing concerns about quality of life during the moving and demolition periods. Mr. Bulger stated that he attended every meeting expressing his concerns each time. The project would result in the decrease of property values. Commissioner Glenn noted that property values on the residential street Monte Vista did not decrease as a result of the development of a Kmart store.

Karlton Willis, 19411 Lenore, expressed opposition citing quality of life issues and loss of equity in his property. Mr. Willis noted plans to renovate his property. He noted that the attorney, whom he had engaged to represent the community, has statistics showing that property values will decrease. The representative of Lenore Street W. did not submit this information to the proper office; namely, City Council Member Kenneth Cockrel. Mr. Willis expressed opposition to looking at the back of a retail center. Operations at the retail center will have a detrimental impact on the community, e.g., high-lows operating at night, exhaust fumes from delivery trucks, employees congregating outdoors to play basketball, etc.. Pollutants from the demolition and removal of asbestos and lead based paint will have a negative impact on the community. Upon questioning, Mr. Willis responded that he attended meetings at the community representative's house. He noted that he wanted to be bought out.

Patricia Bulger, 19425 Lenore, expressed opposition citing concern about looking at a brick wall. She indicated that she attended most of the meetings. Ms. Bulger stated that she is caring for her mother who suffers from Alzheimer's disease. The retail development represents too much of a change. The development is turning neighbors against each other.

Tanya McGuire, 19451 Lenore, indicated that she never received notice of any meetings or a letter regarding the agreement because she and her three children moved into the neighborhood in October 2004. She expressed concern that the demolition phase would have a detrimental effect on her children's health. Two of her children suffer from asthma. Ms. Bruhn suggested she contact CPC staff to discuss air quality issues.

Upon questioning, Mr. Willis noted that he received a certified letter announcing the agreement, but disagreed with the contents. Mr. Willis emphasized that he never agreed to the terms of settlement. The agreement was not signed until November 18, but approved by the representative on the 17th.

Commissioner Glenn felt that since many of the residents did not know about the agreement, the developer should go back to the community to address concerns. Commissioner Jeffrey reiterated concern about holding up the project since the issues will be the same. "Somebody will have to look at the brick wall."

In response to Commissioner Cason, Mr. Willis indicated that the attorney representing the community was released by the community representatives. The information prepared by the attorney regarding statistics on property values would be sent to the Commission.

James Conley , 19149 Lenore, expressed support for the development but wanted to be bought out. Mr. Conley stated that he had heard about the project in the summer 2004. Everything appears to be in a rushed state, and not enough community meetings were held. No one is really on the residents' side. He expressed opposition to enlarging the development given that the residents aren't satisfied with the original proposal. The residents received a \$1,000 gift certificate and will be forced to reside on a street that is half residential and half commercial. Mr. Conley requested documentation regarding property values in the Monte Vista area. He emphasized that property values need to increase. If the developer has money to buy extra land, the developer should be able to satisfy the residents. The residents are going to be left with a wall hiding something undesirable. Upon questioning, Mr. Conley responded that he wanted to be bought out at fair market value.

Willie F. Moore, Jr., 19483 Lenore, expressed support. He noted that property values decrease due to a lack of upkeep. He questioned whether the residents read the certified letters that were sent by the developer outlining the agreement. Mr. Moore read portions of the letter pointing out commitments made by the developer regarding demolition, relocation of residents, etc. Amongst other items, he cited the developer's commitment to provide \$100,000 for the block, \$2,000 cash and gift certificates for the residents, and an additional \$50,000 donation to the Lenore Street West Residents.

Jacqueline Moore, 19483 Lenore, the Committee Chair of Lenore Street West, expressed support. Ms. Moore cited the meetings at her house and the outcome of those meetings. She indicated that she had documentation of steps that were taken to express and address the neighbors' concerns. The residents agreed to a position statement. Signatures were obtained indicating, "the committee has the right to speak for me." A buy-out was never part of the proposal. The concerns of the community were shared with the developer and the City. Ms. Moore noted that flyers were created for announcing every public meeting and distributed door-to-door. On Oct. 27, a meeting was held between City Council and herself. At that time, it was stated that the developer was not financially obligated to the residents. Ms. Moore indicated that she had explained to the residents of Lenore Street the results of the October 27 meeting pointing out that they "may not get a dime." Upon the recommendation of the attorney, the committee accepted an offer with adjustments. Ms. Moore noted that she has documents from the attorney releasing herself.

Commissioner Jeffrey emphasized that when the City is striving to secure development, the Commission has the responsibility to be as fair as possible when reviewing both the interests of the developer and the residents. He felt that the developer has sponsored and attended numerous meetings with the community and has made many concessions. The City cannot make the developer buy additional homes.

Commissioner Glenn agreed with the comments of Commissioner Jeffrey and felt that the project should move forward.

The matter was taken under advisement.

DISC,--
Proposed
2005-06
through
2009-10
Capital
Agenda:

Further consideration was given to approval of the proposed 2005-06 through 2009-10 Capital Agenda.

Present for the discussion were Irvin Corley, Director, Fiscal Analysis, David Teeter, City Council Research & Analysis Division, and Renee Short, Budget Department.

CPC staff member Michael Adebayo noted that in accordance with the City Charter, the City Council must approve the Five-Year Capital Agenda not later than March 1, 2005. A copy of CPC staff's report and recommendation, prepared in collaboration with the Research and Analysis Division, was distributed at the table. A copy of the Fiscal Analysis Division's financial review was also distributed.

Mr. Corley highlighted some of the concerns and questions outlined in the Fiscal Analysis's report dated January 14, 2005. The recommended five-year program totals \$3.13 billion, a decrease of 23.8% over the last five-year Capital Agenda, which totaled \$4.1 billion and a decrease of 12% over the Capital Agenda approved in March 2001. Concerted efforts have been made by the Administration to reduce the amount of unprogrammed funds given the overall financial distress of the City and to better manage available dollars.

Mr. Corley expressed concern as to whether the proposed Capital Agenda reflects all of the priorities of the Mayor. For example, the Mayor had announced major projects in the past two years, such as the renovation of the Michigan Train Depot into a new headquarters for the Police Department, but the project is not included in the Capital Agenda.

Mr. Corley cited funding allocated to projects for the Airport Department and the Department of Transportation (D-DOT). These departments and others are potentially facing a major restructuring in how their services will be provided given the City's financial crises.

Commissioner Glenn questioned whether the D-DOT's projects should include providing handicap lifts on busses. Mr. Corley noted funding sources and State Law requiring lifts on busses.

Mr. Adebayo responded to questions of Commissioner Cason regarding user fees for Belle Isle. Mr. Corley cited questions about Belle Isle raised in his January 14, 2005 financial review his report. He hoped to receive answers to those questions in time for City Council's February 7 public hearing on the Capital Agenda.

Commissioner Christensen cited a recent newspaper article on funding for Detroit's busses. The article also spoke to the condition of the bus lifts, bus route adjustments, and the elimination of bus lines, such as the Holbrook line.

Commissioner Simons expressed concern that projects contained in the Capital Agenda do not have to move forward. Mr. Corley agreed but noted that the Capital Agenda does give a good indication of the projects that will move forward within the next fiscal year. Projects projected for five-years out are hazy. Ms. Short pointed out that funding constraints keep projects from moving forward.

Commissioners Glenn and Simons summarized the results of the informational meeting held with the Budget Department on January 13, 2005.

Mr. Corley and Mr. Teeter responded to questions of Commissioner Wendler regarding the renovation and rehabilitation of the Springwells water treatment plant.

Mr. Teeter noted that the Department of Transportation intends to purchase 121 new busses in the current fiscal year. The busses will include the latest technology in lift equipment.

Commissioner Jeffrey and others noted the outrageous length of time the citizens have to endure awaiting bus arrivals. Some patrons frequently wait two hours for a bus. He questioned whether the bus schedule would improve with the deployment of the new busses.

Mr. Adebayo noted that CPC's staff report contains questions and comments regarding the 36th District Court, Airport Department, Arts Department, Museum of African American History, Civic Center, Department of Public Works (DPW), D-DOT, the People Mover, Health and Wellness Promotion, Municipal Parking Department, Office of the Homeland Security, Public Library, Public Lighting, Police Department, Recreation Dept. and Water and Sewerage Department. Recommendations are proposed for the Airport Department, DPW-Street Capital project, D-DOT, and Municipal Parking Department.

Commissioner Jeffrey indicated that he would provide written input to CPC staff. Commissioner Simons stated that he would review the comments and get back with staff.

Commissioner Glenn noted that the City should implement a system of large and small bus service. Smaller busses should be used during off-peak hours when passenger level is low. The dual system would result in fuel and maintenance savings.

Ms. Short noted that the Administration is seeking comments and welcomed the suggestion of Commissioner Glenn. She noted that the D-DOT is required to hold public hearings prior to the elimination of any bus service or adjustment in bus routes.

**ACTION: Commissioner Cason moved to accept the recommendations of CPC staff.
Commissioner Glaser seconded the motion.
Motion carried.**

CDBG/
NOF
Meeting: The Commissioners agreed to meet on Thursday, January 27, 2005 to further discuss CDBG/NOF priorities and strategies.

Review of
Master
Plan: Consideration was given to review of the process for review of the revised Detroit Master Plan of Policies by the Commission.

CPC staff member Kathryn Underwood reviewed the proposed process and timeline.

The ambitious timeline is proposed to begin in January 2005 and end in November 2005 with the adoption of the final Master Plan by City Council. The process includes the sending of notices to the 21 contiguous communities and other appropriate entities of the intent to amend the Master Plan; sending copies of the revised Master Plan (on CD, except

as otherwise requested) to the 21 contiguous communities and other appropriate entities for review and comment within a period of not less than 65 days or more than 95 days; internal review of the revised Plan, including the contacting of the appropriate Planning & Development Department (P&DD) staff and conduction of field checks; obtaining input from the community via a series of public meetings in each of the ten clusters; holding a public hearing by the Commission following a 95-day comment period; submitting recommendations to the Commission based on internal review, the comments from the contiguous communities and other appropriate entities, and public comment from the cluster meetings and the CPC public hearing; Commission taking action on the revised Plan; submitting the revised Plan with CPC recommendations to the City Council for review and public hearing, as determined by City Council; and City Council approving a final draft of the revised Detroit Master Plan of Policies.

Discussion ensued on the scheduling of tours of the cluster sectors as needed and the possibility of holding the regular meeting of the Commission in the community to obtain their input.

Frame-
work for
Retail/
Services
for the
Lower
Woodward
Area:

Ms. Bruhn reviewed a referral to the Commission from City Council requesting the development of a framework for retail/services for the lower Woodward area as lofts develop along Woodward Ave.

During a January 10, 2005 City Council discussion on a Brownfield Plan for property at 600 Woodward Ave., Council Member Barbara Rose Collins expressed the need to look at the types of stores and services that will be needed to support downtown Detroit's growing residential population. She asked that the Commission make suggestions as to what is needed for the Lower Woodward area, such as drug stores and grocery stores. She felt that the Commissioners have the vision to develop a framework given their efforts in identifying elements in a World Class City.

Commissioner Simons inquired as to the number of lofts along Woodward Ave. Ms. Bruhn noted that the east side of Woodward is being developed with rental lofts, some of which are already occupied. The west side of Woodward is being developed with condominiums known as Merchant's Row.

CPC staff agreed to provide for the February 17, 2005 CPC meeting overlay maps showing the location of current development, location of potential development, and location of current services.

Commissioner Cason cited the need to have a profile of the population for that area.

Director's
Report:

Ms. Bruhn presented the Director's Report.

Recent City Council actions included a discussion with City Council on the final version of the new proposed Zoning Ordinance. The Ordinance will be introduced by City Council on January 26, 2005, with a public hearing anticipated in February. Additional amendments are under discussion and will be coming to the Commission at a later date with the intention of being adopted immediately following adoption of the new Zoning Ordinance. The Ordinance is proposed to be effective the latter part of May.

CPC staff has not yet received a reply from the Department of Administrative Hearings (DAH) to the Commission's questions on the number of tickets pending at 36th District Court and the disposition of those tickets once the DAH is operational. CPC staff will schedule a tour of the facilities once the department is up and running.

The deadline date for submitting the Community Development Block Grant/Neighborhood Opportunity Fund Proposals is January 21 at 5:00 PM. Applicants are encouraged to allow extra time in delivering the proposals to 65 Cadillac Square given other events taking place in the downtown area.

Commissioner Wendler inquired as to whether there are any proposals for Kennedy Square.

In response to Commissioner Simons, Ms. Bruhn noted construction of the new headquarters for Price Waterhouse on the west side of the I-375 service drive.

Adj.: The meeting was adjourned at 7:20 PM.